

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
~~NORTHERN~~ DIVISION

Eastern

2007 MAY -7 P 4:30

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN TIRE DISTRIBUTORS,
MONTGOMERY, AL,

Garnishee,

LEONARD GARY PELHAM,

Defendant.

MISC NO.

3:07 mc 3362-MEF

DEBRA R. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALA

TO: AMERICAN TIRE DISTRIBUTORS
2914 DAY STREET
MONTGOMERY, AL 36108

INSTRUCTIONS TO THE GARNISHEE

Attached is a Writ of Garnishment requesting that you determine whether or not you have in your possession, custody, or control any of the property or funds of the debtor listed therein, or any other property of the debtor. Title 28, United States Code, Section 3205(c)(2)(E) requires that you file a written Answer within 10 days of your receipt of this Writ with the Court and serve a copy of the Answer upon the debtor and counsel for the United States. You are further required to withhold and retain any property or funds in which the debtor has a substantial non-exempt

interest.

1. AMOUNT GARNISHED. The principal amount, rate of interest, starting date of interest and costs are set out in the Writ of Garnishment or Affidavit served upon you. The amount garnished consists of all of these.

2. AMOUNT WITHHELD. Under federal law, 15 U.S.C. Section 1673(a), you should withhold each pay period:

(a) 25% of disposable earnings each week, or

(b) the amount by which disposable earnings for the week exceeds thirty times the federal minimum hourly wage,

whichever is less.

3. "DISPOSABLE EARNINGS" means that part of earnings remaining after deduction of any amount required by law to be withheld (such as amount of deductions for social security taxes and withholding taxes, but not court ordered alimony and child support payments which must be included in "disposable earnings"). 15 U.S.C. Section 1672(b); First National Bank v. Hasty, 415 F.Supp. 170 (E.D. Mich, 1976), affirmed 573 F.2d 1310 (6th Cir. 1977).

4. DISBURSEMENT OF WITHHELD AMOUNTS. Each pay period, amounts withheld should be remitted to the Office of the United States District Court.

Mail Remittances to: Clerk, U. S. District Court
Middle District of Alabama
Post Office Box 711
Montgomery, Alabama 36101

Your check or money order should be made payable to "Clerk, U. S. District Court." Indicate on each remittance the name of the case and the Court Number, so that proper credit will be given.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR A REASONABLE ATTORNEY FEE

IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

If you have any additional questions, please call Ms. Marsha Tunnell at (334) 223-7280 ex 108, or write to: United States Attorney's Office, Financial Litigation Division, Post Office Box 197, Montgomery, Alabama 36101.